

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

A.O.A., <i>et al.</i>	)	
	)	
Plaintiffs,	)	
	)	Case No.: 4:11-cv-00044-CDP
v.	)	(CONSOLIDATED)
	)	
THE DOE RUN RESOURCES	)	
	)	
CORPORATION, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**THIRD AMENDED CASE MANAGEMENT ORDER NO. 15**

**IT IS HEREBY ORDERED** that the parties' joint motion to modify Second Amended Case Management Order 15 [1032] is granted.

**IT IS FURTHER ORDERED** that the following schedule shall govern the next phases of this case:

**1. Next Status Conference**

a. The Court will hold a telephone conference on **Thursday, October 24, 2019, at 9:00 a.m.** to discuss with counsel the status of these matters and any other matters raised in their joint status report. The parties' joint status report informing the Court of all matters that should be discussed at this conference shall be filed no later than **October 23, 2019**. Defendants will initiate this conference call by providing a call-in number to all counsel and to the Court no later than **October 23, 2019**.

**2. Rule 35 Examinations:**

a. The physical and/or mental examination pursuant to Rule 35, Fed. R. Civ. P. of Plaintiff Jhony Jaime Espiritu Carhuancho shall be completed by **November 15, 2019**. The Rule 35 examination shall take place in St. Louis, Missouri, and plaintiffs must arrange for the appropriate

travel authorizations in sufficient time to accommodate this schedule. The defendants shall be responsible for payment of the Final Discovery Cohort Plaintiffs' reasonable travel expenses to be examined in St. Louis; and, if necessary, their parents' or guardians' travel costs as well.

**3. Defendants' Expert Disclosures, Reports, and Deposition Schedule:**

a. Defendants shall make their expert witnesses available for depositions beginning on **December 10, 2019**, and the depositions must be completed no later than **March 24, 2020**.

b. No later than **November 26, 2019**, defendants shall disclose all expert witnesses and shall provide the reports required by Rule 26(a)(2), Fed. R. Civ. P. Concurrently with these disclosures, defendants shall provide dates each expert is unavailable for deposition between December 10, 2019 and March 24, 2020.

c. No later than **November 29, 2019**, the parties shall meet and confer to set a schedule by which defendants' experts' depositions shall be conducted. If the parties are unable to reach an agreement, they shall notify the Court in writing no later than **December 2, 2019** and report the nature of the dispute. The report must include the names of each expert and the dates they are unavailable for deposition, so that the Court may set a final deposition schedule at the conference.

d. The Court will hold a telephone conference on **December 4, 2019 at 9:00 a.m.**, to resolve any remaining disputes regarding the deposition schedule and to discuss with counsel any other matters raised in their joint status report. The parties' joint status report informing the Court of all matters that should be discussed at this conference shall be filed no later than **December 3, 2019**. Defendants will initiate this conference call by providing a call-in number to all counsel and to the Court no later than **December 3, 2019**.

**4. Plaintiffs' Rebuttal Expert Disclosures, Reports, and Deposition Schedule:**

a. Plaintiffs shall make any rebuttal expert witnesses available for depositions beginning on **April 16, 2020**, and the depositions must be completed no later than **June 5, 2020**.

b. Plaintiffs shall disclose all rebuttal expert witnesses and provide their reports no later than **April 2, 2020**. Concurrently with these disclosures, plaintiffs shall provide dates each expert is unavailable for deposition between April 16, 2020 and June 5, 2020.

c. No later than **April 6, 2020**, the parties shall meet and confer to set a schedule by which plaintiffs' rebuttal experts' depositions shall be conducted. If the parties are unable to reach an agreement, they shall notify the Court in writing no later than **April 7, 2020**, and report the nature of the dispute. The report must include the names of each expert and the dates they are unavailable for deposition, so that the Court may set a final deposition schedule at the conference.

d. I will hold a telephone conference on **April 9, 2020, at 9:00 a.m.**, to resolve any remaining disputes regarding the deposition schedule of plaintiffs' rebuttal experts and to discuss with counsel any other matters raised in their joint status report. The parties' joint status report informing the Court of all matters that should be discussed at this conference shall be filed no later than **April 8, 2020**. Defendants will initiate this conference call by providing a call-in number to all counsel and to the Court no later than **April 8, 2020**.

5. All fact discovery related to this phase of the case must be complete by **June 5, 2020**.

6. **Referral to Alternative Dispute Resolution:**

This case will be referred to mediation effective **December 17, 2019**, and that reference shall terminate **March 3, 2020**. A separate Order Referring Case to Alternative Dispute Resolution is entered herewith.

7. **Dispositive Motions; Motions to Limit or Exclude Expert Testimony:**

Any motions to dismiss, for summary judgment, or to limit or exclude expert testimony must be filed no later than **July 8, 2020**. Opposition briefs shall be filed no later than **August 10, 2020**. Any reply brief may be filed no later than **August 31, 2020**.



CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 7<sup>th</sup> day of October, 2019.